

STATE OF NEW MEXICO  
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT  
OIL CONSERVATION DIVISION

IN THE MATTER OF THE HEARING CALLED  
BY THE OIL CONSERVATION DIVISION FOR  
THE PURPOSE OF CONSIDERING:

APPLICATION OF NGL WATER SOLUTIONS                      CASE NO. 20236  
PERMIAN, LLC FOR APPROVAL OF A  
SALTWATER DISPOSAL WELL IN LEA COUNTY,  
NEW MEXICO.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

September 5, 2019

Santa Fe, New Mexico

BEFORE:    PHILLIP GOETZE, CHIEF EXAMINER  
             WILLIAM V. JONES, TECHNICAL EXAMINER  
             KATHLEEN MURPHY, TECHNICAL EXAMINER  
             DYLAN ROSE-COSS, TECHNICAL EXAMINER  
             DANA Z. DAVID, LEGAL EXAMINER

This matter came on for hearing before the New Mexico Oil Conservation Division, Phillip Goetze, Chief Examiner; William V. Jones, Kathleen Murphy and Dylan Rose-Coss, Technical Examiners; and Dana Z. David, Legal Examiner, on Thursday, September 5, 2019, at the New Mexico Energy, Minerals and Natural Resources Department, Wendell Chino Building, 1220 South St. Francis Drive, Porter Hall, Room 102, Santa Fe, New Mexico.

REPORTED BY:    Mary C. Hankins, CCR, RPR  
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APPEARANCES

FOR APPLICANT NGL WATER SOLUTIONS PERMIAN, LLC:

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1 (11:13 a.m.)

2 EXAMINER GOETZE: Let's go back on the  
3 record.

4 This is Case 20236, application of NGL  
5 Water Solutions Permian, LLC for approval of a saltwater  
6 disposal well in Lea County, New Mexico.

7 Call for appearances.

8 MS. BENNETT: Good morning. Deana Bennett,  
9 on behalf of NGL Water Solutions Permian, LLC, with  
10 Modrall, Sperling.

11 MS. LUCK: And Kaitlyn Luck, with the  
12 Santa Fe office of Holland & Hart, appearing on behalf  
13 of EOG Resources.

14 MS. BENNETT: I would also note that  
15 Mr. Gene Gallegos has entered an appearance in this case  
16 for Sterling Minerals.

17 EXAMINER GOETZE: Yes.

18 MS. BENNETT: And it does not look -- well,  
19 I can represent to you and he can change that  
20 representation. He's not here, but he does not have any  
21 issues with the case going forward.

22 EXAMINER GOETZE: So you've had  
23 communications with him, so you've been successful in  
24 making sure that they had proper notice. End of  
25 discussion. Thank you.

1 MS. BENNETT: Thank you.

2 EXAMINER GOETZE: You have one witness?

3 MS. BENNETT: Yes.

4 EXAMINER GOETZE: We'll swear in Mr. Neel.

5 MS. BENNETT: I have one witness with me.

6 EXAMINER GOETZE: Raise your hand and be

7 sworn in by the court reporter, please.

8 NEEL L. DUNCAN,

9 after having been previously sworn under oath, was  
10 questioned and testified as follows:

11 DIRECT EXAMINATION

12 BY MS. BENNETT:

13 Q. Good morning, Mr. Duncan. How are you doing?

14 A. Good morning. Good.

15 Q. If you would please state your name for the  
16 record.

17 A. Neel Lawrence Duncan.

18 Q. For whom do you work?

19 A. Integrated Petroleum Technologies, and we are a  
20 consultancy that is retained by NGL Water Solutions.

21 Q. What are your responsibilities as a consultant  
22 for NGL?

23 A. Drilling of wells in southeastern New Mexico.

24 Q. Have you have you previously testified before  
25 the Oil Conservation Division or the Oil Conservation

1 Commission?

2 A. I have.

3 Q. Were your credentials accepted as a matter of  
4 record?

5 A. Yes, they were.

6 Q. Does your area of responsibility with NGL  
7 include the areas that are subject to this application?

8 A. Yes.

9 Q. And are you familiar with the amended and  
10 original application that NGL filed in this matter?

11 A. Yes, I am.

12 Q. And are you familiar with the design and the  
13 saltwater disposal well that is the subject of this  
14 amended application?

15 A. I am.

16 MS. BENNETT: At this time I'd like to  
17 tender Mr. Duncan as an expert in operations and  
18 engineering matters.

19 EXAMINER GOETZE: Holland & Hart?

20 MS. LUCK: No objections.

21 EXAMINER GOETZE: Thank you.

22 He is so qualified.

23 MS. BENNETT: Thank you.

24 Q. (BY MS. BENNETT) Let's turn to Tab 1, and let's  
25 start with Exhibit 1A. Exhibit 1A is the amended

1 application that I filed on behalf of NGL in this  
2 matter; is that correct?

3 A. That is correct.

4 Q. What does NGL seek in this amended application?

5 A. We seek to drill a saltwater disposal well to  
6 the Devonian-Silurian and to inject approximately 50,000  
7 barrels per day up to as an instantaneous rate. We also  
8 expect to have -- are applying to have a 7-inch-by-  
9 5-1/2-inch tapered tubing design and the casing, of  
10 course, to accommodate that.

11 Q. Thank you.

12 Why did NGL amend the Thunderbolt  
13 application?

14 A. We had discussions -- I had discussions with  
15 Chuck Moran of EOG, and we moved it to accommodate their  
16 horizontal drilling program.

17 Q. Did the change in the location change the  
18 parties entitled to notice?

19 A. I believe they did slightly. No. I guess it  
20 didn't.

21 Q. Yeah.

22 (Laughter.)

23 EXAMINER GOETZE: Right answer. Look at  
24 your lawyer.

25 (Laughter.)

1 THE WITNESS: Some have and --

2 MS. BENNETT: Yeah. Some have and some  
3 haven't.

4 Q. (BY MS. BENNETT) But if we turn to page 9 of  
5 the materials, is that an affidavit of Mr. Chris Weyand?

6 A. Yes, of the notification.

7 Q. Uh-huh.

8 And on page 100, does he say that he  
9 determined that no additional parties were entitled to  
10 notice?

11 A. Yes. That's correct.

12 Q. A moment ago we talked about other parties that  
13 had entered their appearances in this case, which is  
14 E. Sterling and EOG. Do you recall that Marathon  
15 entered an appearance but then withdrew its appearance?

16 A. I do.

17 Q. Okay. So the only two parties that are  
18 still --

19 A. Standing.

20 Q. -- actively participating or quasi-actively are  
21 EOG and Sterling?

22 A. That's correct.

23 Q. Did NGL have an affirmative statement prepared  
24 for the amended application?

25 A. Yes.

1 Q. And is that on page 9, Exhibit 1B?

2 A. That's correct.

3 Q. Is the original application behind Tab -- or  
4 marked as Tab 1C --

5 A. Yes.

6 Q. -- starting on page 10?

7 A. Yes, it is.

8 Q. And behind the original application, is that  
9 the original -- the C-108 that was submitted with the  
10 original application?

11 A. Yes. Yes. Uh-huh.

12 Q. And was the only thing that changed between the  
13 original application and the amended application the  
14 proposed --

15 A. Location.

16 Q. -- the proposed location?

17 A. Right.

18 Q. Can you briefly explain the benefits of using  
19 the larger tubing size that NGL is requesting in this  
20 application?

21 A. It reduces friction. Therefore, it takes less  
22 energy to dispose of the water. It also allows you to  
23 develop fewer SWDs.

24 Q. And has NGL considered whether fishing  
25 operations are feasible for this type of well?

1           A.    Yes.  We've had numerous discussions on this  
2    issue.  As long as the size of the 7-5/8 casing -- or  
3    the weight of the 7-5/8 casing that the 5-1/2 goes into  
4    is 39 pounds per foot or less, then fishing is  
5    definitely possible.

6           **Q.    And NGL has discussed the possibility of**  
7    **fishing with Mr. Steve Nave, right, a fishing expert?**

8           A.    Yes, we have.

9           **Q.    Has NGL retained a reservoir engineer to**  
10   **conduct a study of the injection zone for this well?**

11          A.    Yes.  That's Scott Wilson at Ryder Scott.

12          **Q.    And has Mr. Wilson previously testified before**  
13   **the Division?**

14          A.    He has.

15          **Q.    Were his credentials accepted as a matter of**  
16   **record?**

17          A.    Yes, they were.

18          **Q.    Has Mr. Wilson provided an affidavit for this**  
19   **case in which he discusses his study for this well?**

20          A.    Yes, he has.

21          **Q.    Is that behind Tab 2?**

22          A.    Yes.

23          **Q.    And are pages 34 -- 33 to 36 his affidavit and**  
24   **then 37 through --**

25          A.    54.

1 Q. -- 54 his study?

2 A. Yes.

3 Q. In his affidavit, does Mr. Wilson confirm -- in  
4 his affidavit and study, does Mr. Wilson confirm that  
5 increasing the tubing size for this well will reduce  
6 friction in the wellbore?

7 A. Yes.

8 Q. Does he also confirm that using an increased  
9 tubing size will only have a very small impact on pore  
10 pressures in the formation?

11 A. Yes.

12 Q. Is it his opinion that the increased tubing  
13 size will not cause fractures in the formation?

14 A. Yes, it is.

15 Q. Mr. Wilson also performed a study looking --  
16 I'm sorry -- that model the migration of fluids that are  
17 being injected into the proposed well; is that right?

18 A. Yes, proposed well and nearby proposed wells.

19 Q. And in his study, does he conclude that over a  
20 period of 20 years, the majority of fluids injected will  
21 stay within one mile of where the well is proposed to be  
22 located?

23 A. Yes.

24 Q. And so if you look at page 41, I think that is  
25 an example of what you were talking about where he

1 models not just the proposed well but a number of other  
2 wells both proposed and existing --

3 A. Yes.

4 Q. -- in the area?

5 A. Yes.

6 Q. Okay. Let's turn to Tab 3. Has NGL retained a  
7 geologist to review the geology in the area where this  
8 well is proposed to be located?

9 A. Yes, Dr. Kate Zeigler.

10 Q. Has Dr. Zeigler previously testified before the  
11 Division?

12 A. She has.

13 Q. And were her credentials accepted as a matter  
14 of record?

15 A. Yes, they were. And Mr. Goetze requires that I  
16 call her Dr. Kate Zeigler.

17 Q. And are the exhibits that she's presenting for  
18 this application the same type of exhibits that she's  
19 submitted in the past?

20 A. Yes.

21 Q. Has Dr. Zeigler provided an affidavit which  
22 outlines her study and conclusions?

23 A. Yes, she has.

24 Q. Is that affidavit marked as Exhibit 3 and on  
25 pages 55 through 59?

1 A. Yes.

2 Q. And then is her study after that?

3 A. That's correct.

4 Q. Does her study include an overview of the  
5 formation, a stratigraphic chart based on the Broadhead  
6 paper and then a series of isopachs and a cross section?

7 A. Yes.

8 Q. Does Dr. Zeigler find that the areas where this  
9 well is proposed to be located is suitable for injection  
10 at the rates NGL is proposing?

11 A. Yes, they are.

12 Q. Did she find -- or did she determine that there  
13 is a permeability barrier both above and below the  
14 target injection zone?

15 A. Yes, there is.

16 Q. And that that permeability barrier will act to  
17 prevent the migration of fluids above and below the  
18 injection zone?

19 A. That's correct.

20 Q. Let's turn to Exhibit 4. Is Exhibit 4 an  
21 affidavit that NGL has obtained from Dr. Steven Taylor?

22 A. Yes.

23 Q. Who is Dr. Taylor?

24 A. He's a geophysicist and seismologist up in Los  
25 Alamos.

1 Q. And has he prepared similar affidavits for  
2 other NGL cases?

3 A. Yes, he has.

4 Q. Does he run a monitoring station -- a  
5 monitoring system of seismic monitors for NGL?

6 A. Yes. He monitors all of NGLs sites for  
7 evidence of any induced seismicity.

8 Q. And Dr. Taylor, has he previously testified  
9 before the Division?

10 A. He has, and his qualifications have been  
11 accepted.

12 Q. Is his exhibit -- I'm sorry. Is his affidavit  
13 marked as Exhibit 4 on pages 70 through 72?

14 A. Yes.

15 Q. Does Mr. -- or Dr. Taylor's study also include  
16 his own study, which is Exhibit 4A?

17 A. Yes.

18 Q. And then Exhibit 4B, just quickly, is that the  
19 FTI Platt Sparks study?

20 A. Yes, it is.

21 Q. So looking at Exhibits 4A and 4B, Mr. Taylor  
22 reviewed those studies, right?

23 A. Yes, he did.

24 Q. And did he look at -- did Dr. Taylor look at  
25 prior seismic activity in the area where this well is

1 proposed to be located?

2 A. He did, and he has a table that shows that.

3 Q. That's activity based on USGS and TexNet and  
4 also his own seismic monitoring stations that he  
5 operates for NGL, right?

6 A. That's correct.

7 Q. And he found that there is not a lot of seismic  
8 activity in this area; is that right?

9 A. That's correct.

10 Q. And you say there is a table. Is that the  
11 table on page --

12 A. 73.

13 Q. -- 73?

14 A. Yes.

15 Q. And pages 74 and 75 show the location of the  
16 seismic monitoring --

17 A. Yes.

18 Q. -- and the seismic events?

19 A. That's correct.

20 Q. So NGL works with FTI Platt Sparks to run a  
21 fault slip potential analysis; is that right?

22 A. That's correct.

23 Q. And is it Mr. Todd Reynolds who prepared the  
24 fault slip potential analysis.

25 A. Yes, based on the Zoback model from Stanford.

1 Q. And has Mr. Reynolds testified before the  
2 Division before?

3 A. He has, and his qualifications have been  
4 accepted.

5 Q. And is the study that Mr. Reynolds prepared for  
6 this case similar to the study that he's prepared for  
7 other NGL cases?

8 A. Yes, it is.

9 Q. Did Mr. Taylor -- I'm sorry. Did Dr. Taylor  
10 and FTI Platt Sparks find that there is very little risk  
11 for induced seismicity based on -- or as the results of  
12 this well?

13 A. As a result of this well and surrounding  
14 injection.

15 Q. And, again, Mr. Taylor's -- I'm sorry.  
16 Mr. Reynolds' study takes into account not just the  
17 proposed well but a number of wells in the area,  
18 proposed and existing; is that right?

19 A. Yes.

20 Q. And he looks at wells within 100 square miles?

21 A. Yes.

22 Q. And that's on page 81, showing the wells that  
23 he found within that 100-square-mile area?

24 A. That's correct.

25 Q. And then he models both the proposed existing

1 and this proposed well in his fault slip potential  
2 analysis, and that's on pages 84 through 90?

3 A. Yes. That's correct.

4 Q. And when you look at page 90, which is his  
5 overall conclusions at year 2045, does he find that  
6 there is zero percent of fault slip potential?

7 A. Yes, very low probability of fault slip  
8 potential.

9 Q. Okay. Let's then turn to Exhibit 5. So behind  
10 Exhibit 5 are two affidavits. There is an affidavit  
11 that I prepared, and there is the affidavit that  
12 Mr. Weyand prepared; is that right?

13 A. That's correct.

14 Q. So the affidavit that I prepared identifies on  
15 page 93 the parties -- or the people to whom notice was  
16 sent of the amended application and this hearing?

17 A. Yes.

18 Q. And then page 97 is our version of the green  
19 cards that shows how mail was -- that these folks, a  
20 certified letter was sent to them and then the status of  
21 the mailing under the Mailing Status column. Do you see  
22 that?

23 A. That is correct. I see it.

24 Q. And then is page 98 an Affidavit of Publication  
25 showing that notice of this hearing was published in the

1     **"Hobbs News-Sun" on August 23rd, 2019?**

2           A.     Yes.

3           **Q.     Were Exhibits 1 through 5 prepared by you or**  
4 **compiled from company business records or under your**  
5 **direction and supervision?**

6           A.     Yes.

7                   MS. BENNETT:  At this time I would ask that  
8 Exhibits 1 through 5 be admitted into the record.

9                   EXAMINER GOETZE:  Holland & Hart?

10                  MS. LUCK:  No objections.

11                  EXAMINER GOETZE:  Exhibits 1 through 5 are  
12 so entered.

13                           (NGL Water Solutions Permian, LLC Exhibit  
14 Numbers 1 through 5 are offered and  
15 admitted into evidence.)

16                  MS. BENNETT:  Thank you.

17                           I have no further questions for Mr. Duncan  
18 at this time.

19                  MS. LUCK:  And I have no questions for  
20 Mr. Duncan either.

21   CROSS-EXAMINATION

22     BY EXAMINER GOETZE:

23           **Q.     Good morning, Mr. Duncan.**

24           A.     Good morning, Mr. Goetze.

25           **Q.     So with regards to EOG and location, did you**

1 provide any other additional requirements that they felt  
2 necessary such as surveys, or are you going to provide  
3 them?

4 A. We always -- we always share those. We don't  
5 have a formal agreement with EOG, but we're always -- we  
6 always share data with the operator.

7 Q. Okay. And hopefully it will also be submitted  
8 to the Division?

9 A. Of course. You first.

10 Q. Thank you.

11 There was a mention that Marathon had  
12 protested originally and then had withdrawn.  
13 Historically, Marathon protests based upon what they  
14 feel is potential for a fault of interest or a fault  
15 that they've identified. Did Marathon make any type of  
16 discussion or motion to you as to why they filed a  
17 protest and then withdrew it?

18 A. Marathon called -- I don't know about that.  
19 Marathon did call me, and they -- but they couldn't show  
20 me any fault. So --

21 Q. So there was an open discussion about it?

22 A. Yeah. There was a discussion. I believe it  
23 was way back -- I think it was last year.

24 Q. Yeah.

25 A. I talked to -- Marathon called me, and I talked

1 to them, and I think the attorneys have since spoken.

2 Q. Okay. So on the technical side, I'm worried.  
3 I don't know about the attorneys.

4 A. Okay.

5 Q. I just want to make sure that in your submitted  
6 assessment, this was taken into consideration for the  
7 FSP model and if there has been discussion about it in  
8 terms of analysis included or at least addressed any  
9 concerns because we will be the ultimate decider.

10 EXAMINER GOETZE: Other than that, I have  
11 no questions of this witness. Pass the witness.

12 EXAMINER MURPHY: No questions. Thank you.

13 CROSS-EXAMINATION

14 BY EXAMINER COSS:

15 Q. So out of my curiosity a little bit, you used  
16 some figures for fishing at weights of tubing at which  
17 point you wouldn't be able to fish. Could you clarify  
18 that for me, go into a little detail?

19 A. Right. So in order to -- there are -- if there  
20 was a body break in the 5-1/2-inch tubing, there are a  
21 couple of ways to fish it. One is through a spear, with  
22 a spear going inside the tubing and pulling it. You'd  
23 have to remove some of the fiberglass lining for -- so  
24 that your spear can get a bite into the metal, right?  
25 That's one way. The second way -- and we always like to

1 have two ways to fish -- is to go over the outside of  
2 the pipe and retrieve it.

3                   So as long as the weight of the pipe is  
4 thinner or less than 39 pounds per foot, then there is  
5 enough space between the pipe body itself and the inside  
6 diameter of the casing to get a modified overshot over  
7 that pipe body to retrieve the tubing. The caveat is  
8 the collar. You can't get over the collar, so you have  
9 to go down and mill off the collar and then go over the  
10 body.

11           **Q. And so the tubing can be too heavy to pull up?**

12           A. It's not the -- it's not the tubing weight.  
13 It's the casing weight. In the oil field, we talk about  
14 casing weight as a way to talk about the -- it's --  
15 it's -- in a table, you'll have a casing weight, is what  
16 it's commonly referred to. It will have an outside  
17 diameter and inside diameter in thickness, right? So  
18 when you -- weight is always our reference. It's  
19 convenience. We don't go and say it's 6.012.

20           **Q. You're talking about the width of the casing,**  
21 **but --**

22           A. Thickness, yes. Yes.

23           **Q. Okay. No further questions.**

24

25

## 1 RE CROSS EXAMINATION

2 BY EXAMINER JONES:

3 Q. Well, I don't have any -- only one thing kind  
4 of comes to mind after looking at your wellbore. The  
5 stick diagram or the cross section -- we always used to  
6 call things stick diagrams, but before I got to know  
7 geologists, I had to start calling them --

8 A. They called them a stick diagram when they  
9 didn't put the wells on them. Now with the wells on  
10 them, they call it a -- you see a full well log, it's  
11 more of a cross section because you can check the  
12 correlation yourself.

13 Q. But, you know, you've got several -- looks like  
14 you've got some wells that went down into the  
15 Ellenburger, the foreboden [sic] zone, down here on that  
16 diagram. So the only thing that comes to mind is did  
17 anybody look at those well files to see -- you know, a  
18 lot of times when they drilled those deep vertical  
19 wells, they did drill-stem tests because the logs --  
20 nobody trusts the logs, right? And so did you -- did  
21 you or anybody look at those or --

22 A. Yes.

23 Q. -- are they anywhere close by?

24 A. Well, they're not -- what we do as part of the  
25 area of review, we're required to look at -- any and all

1 wells in that AOR. And we look at abandoned wells and  
2 make sure that they were plugged properly so we don't  
3 have communication from Devonian to Ellenburger. If  
4 there was -- if a well is -- you know, I'll put a  
5 hypothetical out there. Say a well was drilled and  
6 abandoned in the '60s and they boiler house the plugging  
7 documents, right, and as long as that well is not right  
8 next to you, it's not going to be a big communication  
9 issue. You can imagine water going out as a radius, and  
10 then you have maybe one leak here (indicating) for an  
11 improperly plugged wells -- well. But within the AOR,  
12 we do look at abandoned wells to make sure they were  
13 plugged per regulations.

14 **Q. Okay. Yeah. Sometimes those drill-stem tests**  
15 **will show like a bunch of water coming in or -- and**  
16 **obviously you don't want one anywhere close that shows**  
17 **you've got some oil shows in your drill-stem tests.**

18 A. Yeah. Of course, we won't be injecting in the  
19 Ellenburger. There is -- there was some Devonian  
20 production quite a ways up north, in northern Lea  
21 County -- I've seen some of that -- but not -- not where  
22 we're injecting here.

23 **Q. Very deep well here.**

24 A. Deep, yeah. Yeah, deep and expensive.

25 **Q. Yeah. Okay. Thanks.**

1                   EXAMINER DAVID: Just for the record, on  
2 the basis of Exhibit 5 and especially the affidavit of  
3 Mr. Weyand, I have no questions about notice.

4                   CROSS-EXAMINATION

5 BY EXAMINER GOETZE:

6           Q.    Okay. But you made me think, while we're  
7 having fun with casing. We're not in the reef with  
8 this?

9           A.    Not in the reef with this one.

10          Q.    Therefore, the only other question I would ask  
11 you is that the exhibits and the planned casing is  
12 protective of underground sources of drinking water, as  
13 you testified?

14          A.    Yes, it is. On the record, yes.

15          Q.    Thank you.

16                   EXAMINER GOETZE: No more questions.

17                   No more presentation?

18                   MS. BENNETT: If there are no other  
19 questions, I would ask that Case Number 20236 be taken  
20 under advisement.

21                   EXAMINER GOETZE: Very good. Case Number  
22 20236 is taken under advisement.

23                   MS. BENNETT: Thank you.

24                   EXAMINER JONES: We're back at 1:15 then.

25                   (Recess, 11:15 a.m. to 1:15 p.m.)

1 STATE OF NEW MEXICO  
2 COUNTY OF BERNALILLO

3

4 CERTIFICATE OF COURT REPORTER

5 I, MARY C. HANKINS, Certified Court  
6 Reporter, New Mexico Certified Court Reporter No. 20,  
7 and Registered Professional Reporter, do hereby certify  
8 that I reported the foregoing proceedings in  
9 stenographic shorthand and that the foregoing pages are  
10 a true and correct transcript of those proceedings that  
11 were reduced to printed form by me to the best of my  
12 ability.

13 I FURTHER CERTIFY that the Reporter's  
14 Record of the proceedings truly and accurately reflects  
15 the exhibits, if any, offered by the respective parties.

16 I FURTHER CERTIFY that I am neither  
17 employed by nor related to any of the parties or  
18 attorneys in this case and that I have no interest in  
19 the final disposition of this case.

20 DATED THIS 1st day of October 2019.

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23 MARY C. HANKINS, CCR, RPR  
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New Mexico CCR No. 20  
Date of CCR Expiration: 12/31/2019  
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